

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

AUSTIN EDWARD LIGHTFEATHER,

Plaintiff,

vs.

NURSE MIKKA, Reception Treatment Center, in his individual compacity; NURSE JENIFER, Reception Treatment Center, in her individual compacity; NURSE SANTIAGO, Reception Treatment Center, in his individual compacity; and LORI DECOSTER, Nurse, Reception Treatment Center, in her individual compacity;

Defendants.

**8:24CV365**

**MEMORANDUM AND ORDER**

This matter is before the Court on Plaintiff Austin Edward Lightfeather's Motion for Leave to Proceed in Forma Pauperis ("IFP"), [Filing No. 2](#), and Motion to Add Defendant, [Filing No. 7](#). Each motion shall be addressed in turn.

**I. IFP Motion**

As stated in the Prison Litigation Reform Act ("PLRA"), a prisoner cannot

bring a civil action . . . or proceeding [IFP] if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action . . . in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

[28 U.S.C. §1915\(g\)](#).

The Court has previously determined that three or more federal court cases brought by Plaintiff, while a prisoner, were dismissed as frivolous or for failure to state a claim upon which relief may be granted. See, e.g., *Lightfeather v. McSwine*, No. 8:22-

cv-00238-JFB-PRSE (D. Neb.) ([Filing No. 11](#), finding Plaintiff has “three strikes” and dismissing complaint pursuant to [28 U.S.C. §1915\(g\)](#)). Previous cases brought by Plaintiff that were dismissed include: *Lightfeather v. Prey et al*, No. 8:21-cv-00211-RGK-PRSE (D. Neb.) (Filing Nos. [15](#) & [16](#), finding Plaintiff’s complaint failed to state a claim for relief and dismissing case on April 8, 2022, after Plaintiff failed to amend complaint); *Lightfeather v. Green et al*, No. 8:21-cv-00208-RGK-PRSE (D. Neb.) (Filing Nos. [12](#) & [14](#), finding Plaintiff’s complaint failed to state a claim for relief and dismissing case on October 12, 2021, after Plaintiff failed to amend complaint); *Lightfeather v. Ricketts et al*, No. 8:21-cv-00165-RGK-PRSE (D. Neb.) (Filing Nos. [12](#) & [14](#), finding Plaintiff’s complaint failed to state a claim for relief and dismissing case on October 7, 2021, after Plaintiff failed to amend complaint); *Lightfeather v. City of Lincoln*, No. 4:20-cv-03118-RGK-PRSE (D. Neb.) (Filing Nos. [112](#) & [113](#), May 24, 2021 Memorandum and Order and Judgment dismissing Plaintiff’s second amended complaint for failure to state a claim and for being frivolous); *Lightfeather v. Beatrice Sun Times, et al*, No. 8:21-cv-00114-RGK-PRSE (D. Neb.) (Filing Nos. [14](#) & [15](#), May 19, 2021 Memorandum and Order and Judgment dismissing Plaintiff’s complaint as frivolous).

In light of the foregoing, the Court will give Plaintiff 30 days in which to show cause why this case should not be dismissed pursuant to the provisions of [28 U.S.C. §1915\(g\)](#) or, in other words, to show cause why the immediate danger exception is applicable to him. Alternatively, Plaintiff may pay the Court’s \$405.00 filing and administrative fees within 30 days. In the absence of good cause shown, or the payment of the necessary fees, this matter will be dismissed without further notice.

## II. MOTION TO ADD DEFENDANT

On October 9, 2024, Plaintiff filed a motion to add Kim Isebel, Lead Nurse of RTC NDCS Mental Health, as a defendant to this action, and included allegations against Isebel in his motion. [Filing No. 7](#). Upon consideration, the Court will grant Plaintiff's motion and add Isebel as a defendant to this action. The Court will also treat Plaintiff's motion as a supplement to the Complaint.

The Court notes that Plaintiff has filed what the Court construes as three other supplements in this case. [Filing No. 6](#); [Filing No. 8](#); [Filing No. 9](#). Plaintiff's repeated filing of supplementary materials frustrates the Court's ability to discern and review the claims Plaintiff seeks to raise in this matter. Accordingly, the Court encourages Plaintiff to refrain from filing further piecemeal, supplementary materials until the Court resolves Plaintiff's IFP Motion and a review of Plaintiff's Complaint has been completed pursuant to [28 U.S.C. §§ 1915\(e\)](#) and [1915A](#).

IT IS THEREFORE ORDERED that:

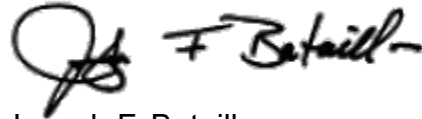
1. Plaintiff has until **November 18, 2024**, to either show cause why this case should not be dismissed pursuant to [28 U.S.C. §1915\(g\)](#) or pay the Court's \$405.00 filing and administrative fees. In the absence of either action by Plaintiff, this matter will be dismissed without further notice.

2. Plaintiff's Motion to Add Defendant, [Filing No. 7](#), is granted. The Clerk of Court is directed to add "Kim Isebel, Lead Nurse of RTC NDCS Mental Health," as a defendant in this case and to amend the docket text of [Filing No. 7](#) to read: "SUPPLEMENT and MOTION to add defendant on behalf of Plaintiff Austin Edward Lightfeather."

3. The Clerk of Court is directed to set a pro se case management deadline in this matter with the following text: **November 18, 2024**: deadline for Plaintiff to show cause or pay fees.

Dated this 17th day of October, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon", with a stylized flourish at the end.

Joseph F. Bataillon  
Senior United States District Judge